

MANDATE

S.D.N.Y.-N.Y.C.
21-mc-92
Scheidlin, J.
Pitman, M.J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 20th day of June, two thousand eleven,

Present:

Ralph K. Winter,
Rosemary S. Pooler,
Barrington D. Parker,
Circuit Judges.

USDC SDNY
DOCUMENT
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DATE FILED: 07/13/2011

In re IPO Securities Litigation

09-4555-cv (L)
09-4625-cv (Con)
09-4787-cv (Con)
10-1836-cv (Con)
10-2888-cv (Con)
10-3142-cv (Con)
11-874-cv (Con)

By letter dated May 23, 2011, Plaintiffs-Appellees request that this Court: (1) explicitly address Plaintiffs-Appellees' February 3, 2011 motion to dismiss these appeals for failure to post an appeal bond; and (2) consolidate the appeal in docket number 11-874-cv, filed by *pro se* Objector-Appellant James J. Hayes, with the appeals in docket numbers 09-4787-cv and 10-3142-cv, also filed by *pro se* Objector-Appellant Hayes. The May 23, 2011 letter is construed as a motion to supplement this panel's May 17, 2011 order. Upon due consideration, it is hereby ORDERED that the construed motion is GRANTED, and this Court's May 17, 2011 order is supplemented to the following extent: (1) it is ORDERED that the motion to dismiss for failure to post the appeal bond is DENIED, *see Azizian v. Federated Dep't Stores, Inc.*, 499 F.3d 950, 961 (9th Cir. 2007); *In re Cardizem CD Antitrust Litigation*, 391 F.3d 812, 816 (6th Cir. 2004); and (2) it is further ORDERED that the appeal in docket number 11-874-cv is (a) consolidated with the other appeals filed in connection


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with this litigation, and (b) remanded to the district court for the same reason that the appeals in docket numbers 09-4787-cv and 10-3142-cv were remanded by this panel's May 17, 2011 order.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk




A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit